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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,882	01/29/2002	Yukio Murata	122.1483	2430

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EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/057,882

Applicant(s)

MURATA, YUKIO

Examiner

Asfand M. Sheikh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

The amendment filed on 08-Jan-2007 has been entered.

Claims 1-10 are pending for examination.

The examiner established new grounds of rejection for claims 1-10. This action is non-final.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 4-6, The examiner notes claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material." Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either "functional descriptive

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material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs, which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

The examiner notes that claims 4-6 are directed to software, per se (e.g. computer program), which lacks underlying functionality to occur. Therefore, the examiner rejects claims 4-6 are non-statutory subject matter, which is not patent eligible under 35 U.S.C. 101.

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kapadia et al. in view of Wilson et al.

As per claim 1, Kapadia et al. teaches receiving requirement information of products from the customer to a management unit (Kapadia et al., see at least, col. 3, lines 49-57), providing the customer with shipment guarantee information from said management unit according to product availability information provided by a production management system, which shipment guarantee information includes at least a deliverable volume of said products provisionally allocated to be delivered by an appointed delivery date, according to said requirement information (Kapadia et al., see at least, col. 2, lines 21-33, col. 3, lines 49-57, and col. 4, lines 19-44), receiving a formal order-receiving information of the products by the

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management unit from said customer in response to said shipment guarantee information (Kapadia et al., see at least, col. 2, lines 21-33, col. 3, lines 49-57, and col. 4, lines 19-44), wherein the management unit sends an allocation confirmation to the customer (Kapadia et al., see at least, col. 2, lines 21-33, col. 3, lines 49-57, and col. 4, lines 19-44).

The examiner notes that Kapadia et al. is silent with respect to formally allocating a shipment volume for said products corresponding to said shipment guarantee information, by the management unit based on said received formal order-receiving information, wherein the management unit sends a shipping order to a distribution management system.

Wilson et al. teaches formally allocating a shipment volume for said products corresponding to said shipment guarantee information, by the management unit based on said received formal order-receiving information, wherein the management unit sends a shipping order to a distribution management system (Wilson, see at least, 0028, 0037, 0063-0065).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kapadia et al. in order to include formally allocating a shipment volume for said products corresponding to said shipment guarantee information,

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by the management unit based on said received formal order-receiving information, wherein the management unit sends a shipping order to a distribution management system as taught by Wilson et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an end-to-end supply chain management service that is quick and cost-effective for online businesses (Wilson et al, see at least, 0007).

As per claim 2, the examiner notes that Kapadia et al. is silent with respect to wherein said formally allocating, when said provisionally allocated shipment guarantee value exceeds the formally allocated deliverable volume exceeds a shipment volume, a portion of the excess is used for another formal allocation, and when said provisionally allocated deliverable volume falls short in comparison with a formal allocation, a portion of the shortage is allocated to a new formal order-receiving.

Wilson et al. teaches wherein said formally allocating, when said provisionally allocated shipment guarantee value exceeds the formally allocated deliverable volume exceeds a shipment volume, a portion of the excess is used for another formal allocation, and when said provisionally allocated

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deliverable volume falls short in comparison with a formal allocation, a portion of the shortage is allocated to a new formal order-receiving (Wilson et al., see at least, 0024, 0035, 0051, and 0064-0065).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kapadia et al. in order to include wherein said formally allocating, when said provisionally allocated shipment guarantee value exceeds the formally allocated deliverable volume exceeds a shipment volume, a portion of the excess is used for another formal allocation, and when said provisionally allocated deliverable volume falls short in comparison with a formal allocation, a portion of the shortage is allocated to a new formal order-receiving as taught by Wilson et al. The motivation to combine is the same as claim 1, above.

As per claim 3, the examiner notes that Kapadia et al. is silent with respect to formally allocating, the shipment guarantee information is deleted on or after a deadline delivery date for receiving said formal order-receiving information which deadline delivery date is calculated from the appointed delivery date included in said shipment guarantee.



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Wilson et al. teaches formally allocating, the shipment guarantee information is deleted on or after a deadline delivery date for receiving said formal order-receiving information which deadline delivery date is calculated from the appointed delivery date included in said shipment guarantee (Wilson et al., see at least, 0024 and 0035).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kapadia et al. in order to include formally allocating, the shipment guarantee information is deleted on or after a deadline delivery date for receiving said formal order-receiving information which deadline delivery date is calculated from the appointed delivery date included in said shipment guarantee as taught by Wilson et al. The motivation to combine is the same as claim 1, above.

As per claim 4-10, the examiner notes that claims 4-10 are substantially similar to those of claims 1-3, and therefore are rejected under similar grounds. Further the examiner notes similar motivation is used to combine Kapadia et al. in view of Wilson et al.

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***Response to Arguments***

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Asfand M Sheikh  
Examiner  
Art Unit 3627

ams  
26-Mar-07

  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER